jc781 U.S. PTO

10/06/00

A

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

REQUEST FOR FILING
(RULE 53(b)(1))

For Design or Utility Applications

Rule 53(b)(1) PATENT APPLICATION: (DO **NOT** USE FOR CIPs)

☐   Continuation   )
) application under 37 CFR 1.53(b)(1)
☒   Divisional   )

application under 37 CFR 1.53(b)(1)   Group Art Unit: 1636
    of pending prior application of

                                                                    Examiner: G. Leffers, Jr.

Inventor(s):   ELISCHEWSKI et al.

Parent Appln. No.:	09	416,756	Atty. Dkt.	PM 268418	980101BT
	Series Code ⇧	Serial No. ⇧		New M#	Client Ref

Parent Filed: October 12, 1999
This Appln. Filed: October 6, 2000

Title: Process for the Preparation of Panthothenic Acid by Amplification of Nucleotide Sequences which Code for Ketopantoate Reductase

#2/a
3eta
12/13/00

Hon. Commissioner of Patents   Date: October 6, 2000
Washington, DC 20231   (Parent Matter No.   264055   )

Sir:

To effect the above-requested filing today:

1.   **Attached** is a copy **(which must be filed)** of the prior application, including:

☒   Abstract
☒   Specification and claims (53 pages) **(must be attached)**
☒   Drawings **(must be attached if originally filed):** 9 sheet(s)/set: ☐ 1 set informal;
                                            ☒ Formal of size   ☒ A4   ☐ 11"

1A.   Always X one box, only:
    (1)   ☒   Copy of Signed declaration or oath as originally filed in prior application attached
    (2)   ☐   NO declaration or fee is enclosed; therefore, this is a filing under Rule 53(f).

2.   ☐   This application is hereby filed by less than all of the inventors named in the prior application. Petition is hereby made requesting deletion as inventor(s) of the following who is/are **not** inventor(s) of the invention being claimed in this application (DELETE THE FOLLOWING INVENTOR(S)):

1. _____	2. _____
3. _____	4. _____
5. _____	6. _____
7. _____	8. _____

2.5   THE INVENTOR(S) FOR THIS NEW APPLICATION IS(ARE):

1. _____	2. _____
3. _____	4. _____
5. _____	6. _____
7. _____	8. _____

3.   The entire disclosure of the prior application is considered as being part of the disclosure of the accompanying application and is hereby incorporated therein by reference thereto.

4. ☒ Priority is claimed under 35 U.S.C. 119/365 based on filing in ___Germany___ of
                                                             (country)

	Application No.	Filing Date		Application No.	Filing Date
(1)	198 46 499.1	October 9, 1998	(2)		
(3)			(4)		
(5)			(6)		

    a. ☐ _____ (No.) Certified copy/copies attached.

    b. ☒ Certified copy/copies previously filed on ___December 20, 1999___ in
          U.S. Application No. ___09/416,756___ , filed on ___October 12, 1999.___
                   series code ⇧   ⇧ serial no.

    c. ☐ Certified copy/copies filed during International stage of PCT/ ___/___ .

4. (a) ☐ Domestic priority is claimed from ___/___ , filed ___ .
          PCT/

   (b) ☐ Benefit is claimed of Provisional Application No. 60/_____ , filed _____ .

5. ☒ Prior application is assigned to ___Degussa-Huls AG___

by assignment recorded ___December 20, 1999___ Reel ___10448___ Frame ___908.___
                   (Date)

6. ☒ Attached is the following number of Assignments (including original and all later successive ones by **different** assignors): ___1___ and respective **new** Cover Sheets. (Do **NOT** file old cover sheets.)

    (Assignments in parent **must be refiled** with new Cover Sheets in this continuing application if you want it/them recorded against the continuing application.)

Please return the recorded Assignment to the undersigned.

7. ☒ The power of attorney in the prior application is to _Pillsbury Madison & Sutro LLP_

(Name and Reg. No.)
whose current address is as in item 8 below.

    a. ☒ Recognize as associate attorney ___Ann S. Hobbs, Reg. No. 36,830___

(Name, Reg. No. and Address)

8. **Address all future communications to Intellectual Property Group
of Pillsbury Madison & Sutro LLP, Ninth Floor, East Tower 1100 New York Avenue, N.W.,
Washington, D.C. 20005-3918**

9. ☒ Amend the specification by inserting before the first line the sentence:--This is a
    ☐ continuation ☒ division of Application No. ___09/416,756,___ filed ___October 12, 1999___
                       series code ⇧   ⇧ serial no. _Now U.S. Patent 6,171,845_

9. (a) ☐ **Amend the specification** by inserting before the first line: --This application claims the benefit of
            Provisional Application No. 60/_____ , filed _____ .--

10. ☐ It has been recently determined that this new continuing application is entitled to small entity status. Hence:
      ___ (No.) Verified Statement(s) establishing "small entity" status under Rules 9 & 27 were/are:
        ☐ filed in above prior application (and hence applicable hereto)
        ☐ attached.

11. Petition to extend the life of the above prior application to at least the date hereof
(one box)   ☐ is being concurrently filed in that prior application (Use Form PAT-111).
(must be)   ☐ was previously filed in that prior application (Check length of prior extension).
(X'd)   ☐ is not necessary for copendency (**Double check** before X'ing this box).

12. ☐ **INFORMATION DISCLOSURE STATEMENT:** Attached is Form PTO-1449 listing all of the documents cited by Applicant and the PTO in the parent application(s) relied upon under 35 USC 120 and referenced in item 9 above. Per Rule 98(d) copies of those documents are <u>not required</u> now. Please consider those documents and <u>advise</u> that they have been considered in <u>this new</u> application as by returning a copy of the enclosed Form PTO-1449 with the Examiner's initials in the left column per MPEP 609. .

13. ☐ Attached is a Rule 103(a) Petition to Suspend Action.

14. ☒ **PRELIMINARY AMENDMENT to be entered before fee calculation:** (Do <u>not</u> make amendments here except for correction of improper multiple dependencies or cancellation of whole claims or multiple dependencies for purpose of reducing the filing fee per MPEP §§ 506 and 607; do <u>not</u> cancel all claims).

Cancel claims 21-28.

<div align="center">

FILING FEE
THE FOLLOWING FILING FEE IS BASED ON
->->->->Claims AS FILED AND **CHANGED BY PRELIMINARY AMENDMENT IN ITEM 14**<-<-<-<-

</div>

<u>NOTE:</u> If box 1A<u>2</u> is X'd, do not pay fees,
but leave lines 15-22 and 27-32 <u>blank.</u>

PTO: PLEASE NOTE CLAIM CANCELLATIONS IF BOX 14 ABOVE IS X'D.

				Large/Small Entity		Fee Code
15. Basic Filing Fee . . . . .Design Application				$320/$160		106/26
16. Basic Filing Fee . . . .<u>Not</u> Design Application				$710/$355	+710	101/201
17. Total Effective Claims	20	minus 20 =	0	x $18/$9	+0	103/203
18. Independent Claims	4	minus 3 =	1	x $80/$40	+80	102/202
19. If <u>any proper</u> multiple dependent claim (ignore improper) is present,				$270/$135	+0	104/204
20.				Subtotal =	$790	
21. If "petition" box 13 above is X'd, add petition fee. $130					+0	122
21A. If box 6 above is X'd, add Assignment recording fee . . . . $ 40					+40	581

22.   **TOTAL FILING FEE ATTACHED =** | $830 |

(carry forward to Item 31)

23. ☐ ATTACHED:

24. ☐ Preliminary Amendment <u>attached</u> (to be entered <u>after</u> assigning Appln. No.)

25. ☐ The following PRELIMINARY AMENDMENT is to be entered <u>after</u> assigning Appln. No.:

26.

ADDITIONAL FEE CALCULATION FOR
PRELIMINARY AMENDMENT
PER BOXES 24/25

	Claims remaining after amendment	Highest number previously paid for	Present Extra		Additional Fee	
				Large/Small Entity		File Code
27. Total Effective Claims	*___	minus ** 0 =	0	x $18/$9 =	$ 0	(103/203)
28. Independent Claims	*___	minus *** 0 =	0	x $80/$40 =	+ 0	(102/202)

29. If amendment enters proper multiple dependent claim(s) into this application for the first time, add (per application) . . . .$270/$135   + 0   (104/204)

30.   ADDITIONAL FEE $ 0

31.   plus **FEE** from item 22 on page 3   + 830

32.   **TOTAL FEE ATTACHED** $ 830

33. *If the entry in this space is less than a entry in the next space, the "Present Extra" result is "0"

34. **If the "Highest number previously paid for" (see item 17 above) is less than 20, write "20" in this space

35. If the "Highest number previously paid for" (see item 18 above) is less than 3, write "3" in this space

Our Deposit Account No. 03-3975

Our Order No.	21123	268418
	C#	M#

CHARGE STATEMENT: Upon the filing of a Declaration pursuant to Rule 60(b) or 60(d), the Commissioner is hereby authorized to charge any fee specifically authorized hereafter, or any missing or insufficient fee(s) filed, or asserted to be filed, or which should have been filed herewith or concerning any paper filed hereafter, and which may be required under Rules 16-18 (missing or insufficient fee only) now or hereafter relative to this application and the resulting Official document under Rule 20, or credit any overpayment, to our Account/Order Nos. shown above for which purpose a duplicate copy of this sheet is attached.

This CHARGE STATEMENT does not authorize charge of the issue fee until/unless an issue fee transmittal form is filed.

Pillsbury Madison & Sutro LLP
Intellectual Property Group

1100 New York Avenue, NW	By Atty: Ann S. Hobbs	Reg. No. 36830
Ninth Floor		
Washington, DC 20005-3918	Sig:	Fax: (202) 822-0944
Tel: (202) 861-3000		Tel: (202) 861-3063
ASH/maf		
Atty./Sec.		

NOTE No. 1: File this Request in duplicate with 2 postcard receipts (PAT-103) & attachments
NOTE N . 2: Is extension in parent necessary for copendency? **DOUBLE CHECK** Item 11 above.
If yes, printout Pat-111 and head it in parent.

APPLICATION UNDER UNITED STATES PATENT LAWS

Atty. Dkt. No. <u>PM 268418</u>

(M#)

Invention: Process for the Preparation of Panthothenic Acid by Amplification of Nucleotide Sequences which Code for Ketopantoate Reductase

Inventor (s): Frank ELISCHEWSKI, Jorn KALINOWSKI, Alfred PUHLER, Nicole DUSCH, Jurgen DOHMEN, Mike FARWICK, Georg THIERBACH

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Ninth Floor
Washington, DC 20005-3918
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Telephone: (202) 861-3000

<u>This is a:</u>

☐ Provisional Application

☐ Regular Utility Application

☒ Continuing Application
☒ The contents of the parent are incorporated by reference

☐ PCT National Phase Application

☐ Design Application

☐ Reissue Application

☐ Plant Application

☐ Substitute Specification
<u>Sub. Spec</u> Filed _____
in App. No. _____ / _____

☐ <u>Marked up Specification re</u>
Sub. Spec. filed _____
In App. No _____ / _____

SPECIFICATION